

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TRAFFIC INFORMATION, LLC §
§
Plaintiff, §
vs. §
CRICKET COMMUNICATIONS, INC., §
KINPO ELECTRONICS, INC.; and §
NETWORKS IN MOTION, INC., §
§
Defendants. §

Case No. 2:10-CV-226
JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Traffic Information, LLC (“Traffic”) brings this action against defendants Cricket Communications, Inc. (“Cricket”), Kinpo Electronics, Inc. (“Kinpo”) and Networks In Motion, Inc. (“NIM”), and alleges:

THE PARTIES

1. Traffic is a limited liability company organized and existing under the laws of the State of Texas.
2. On information and belief, Cricket is a corporation organized and existing under the laws of Delaware, with a principal place of business at 5887 Copley Drive, San Diego, California 92111-7906, has designated its registered agent for purposes of service of process as Corporation Service Company, 2711 Centerville Road, Suite 400, Wilmington, Delaware 19808, and is doing business in this judicial district.
3. On information and belief, Kinpo is a Chinese company with a principal place of business at 10th Floor, 99 Nanking East Road, Section 5, Taipei, People’s Republic of China. Kinpo may be served with process in accordance with the Hague Service Convention.

4. On information and belief, NIM is a corporation organized and existing under the laws of Delaware, has a principal place of business at 6A Liberty Suite 200, Aliso Viejo, California 92656, has designated its registered agent for purposes of service of process as National Registered Agents, Inc., 2875 Michelle, Suite 100, Irvine, California 92606-1024, and is doing business in this judicial district.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

6. Subject-matter jurisdiction over Traffic's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

7. On information and belief, each defendant has solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from residents of the State of Texas, including benefits directly related to the instant patent infringement cause of action set forth herein.

8. On information and belief, each defendant has placed its allegedly infringing products and services into the stream of commerce throughout the United States with the expectation that they will be used by consumers in this judicial district.

9. Each defendant is subject to personal jurisdiction in Texas and this judicial district, and is doing business in this judicial district.

10. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c), and 1400(b).

COUNT I - INFRINGEMENT OF THE '606 PATENT

11. Traffic realleges and incorporates by reference the allegations in paragraphs 1-10.

12. On August 31, 2004, U.S. Patent No. 6,785,606 (“the ‘606 patent”), entitled “System For Providing Traffic Information,” a copy of which is attached hereto as Exhibit A, was duly and legally issued. Traffic is the owner by assignment of all right, title and interest in and to the ‘606 patent, including the right to sue for and recover all past, present and future damages for infringement of the ‘606 patent.

13. Each defendant, alone and in conjunction with others, has in the past and continues to infringe, contribute to infringement, and/or induce infringement of the ‘606 patent by making, using, selling, offering to sell and/or importing, and/or causing others to use, traffic information systems and products and services that alone or in combination with other devices are covered by at least one claim of the ‘606 patent, and are liable for infringement of the ‘606 patent pursuant to 35 U.S.C. § 271.

14. Each defendant’s acts of infringement have caused damage to Traffic, and Traffic is entitled to recover from each defendant the damages sustained by Traffic as a result of each defendant’s wrongful acts in an amount subject to proof at trial.

15. As a consequence of the infringement complained of herein, Traffic has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless each defendant is enjoined by this Court from committing further acts of infringement.

COUNT II - INFRINGEMENT OF THE ‘862 PATENT

16. Traffic realleges and incorporates by reference the allegations in paragraphs 1-15.

17. On October 15, 2002, U.S. Patent No. 6,466,862 (“the ‘862 patent”), entitled “System For Providing Traffic Information,” a copy of which is attached hereto as Exhibit B, was duly and legally issued. Traffic is the owner by assignment of all right, title and interest in and to the ‘862

patent, including the right to sue for and recover all past, present and future damages for infringement of the '862 patent.

18. Each defendant, alone and in conjunction with others, has in the past and continues to infringe, contribute to infringement, and/or induce infringement of the '862 patent by making, using, selling, offering to sell and/or importing, and/or causing others to use, traffic information systems and products and services that alone or in combination with other devices are covered by at least one claim of the '862 patent, and are liable for infringement of the '862 patent pursuant to 35 U.S.C. § 271.

19. Each defendant's acts of infringement have caused damage to Traffic, and Traffic is entitled to recover from each defendant the damages sustained by Traffic as a result of each defendant's wrongful acts in an amount subject to proof at trial.

20. As a consequence of the infringement complained of herein, Traffic has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless each defendant is enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Traffic prays for entry of judgment that:

- A.** Each defendant has infringed the '606 patent;
- B.** Each defendant has infringed the '862 patent;
- C.** Each defendant account for and pay to Traffic all damages caused by its individual

and/or joint infringement of the '606 and/or '862 patents as complained of herein in accordance with 35 U.S.C. § 284;

D. Traffic be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining each defendant, its officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;

E. Traffic be granted pre-judgment and post-judgment interest on the damages caused to it by reason of each defendant's patent infringement complained of herein;

F. Traffic be granted its reasonable attorneys' fees;

G. Costs be awarded to Traffic; and,

H. Traffic be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Traffic demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: July 6, 2010

By: /s/ S. Calvin Capshaw
C. Dale Quisenberry
State Bar No. 24005040
dquisenberry@pqelaw.com
John T. Polasek
State Bar. No. 16088590
tpolasek@pqelaw.com
Jeffrey S. David
State Bar No. 24053171
jdavid@pqelaw.com
POLASEK, QUISENBERY & ERRINGTON, L.L.P.
6750 West Loop South, Suite 920
Bellaire, Texas 77401
Telephone: (832) 778-6000
Facsimile: (832) 778-6010

S. Calvin Capshaw

State Bar No. 03783900
ccapshaw@capshawlaw.com
Elizabeth L. DeRieux
State Bar No. 05770585
ederieux@capshawlaw.com
CAPSHAW DERIEUX, L.L.P.
1127 Judson Road, Suite 220
P.O. Box 3999
Longview, Texas 75601-5157
Telephone: (903) 236-9800
Facsimile: (903) 236-8787

ATTORNEYS FOR PLAINTIFF